

REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Support for the amendment to claim 9 and new claims 19-21 is found, for example, at page 14, line 25-27 and at page 30, line 24 to page 31, line 25 of the application as filed. Support for new claim 18 is found, for example, at page 12, lines 29 to 31.

The rejection of claim 9 under 35 U.S.C. § 102 (second paragraph) as anticipated by U.S. Patent No. 5,330,974 to Pines et al. ("Pines") is respectfully traversed in view of the above amendments.

Pines relates to fibrinogen compositions useful as a tissue adhesive, hemostat or sealant. There is no teaching or suggestion that the use of the composition of Pines results in wound healing and, in particular, enhances fibroblast migration. As set out in the present specification (page 5, lines 12 to 24), contradictory results are obtained for fibrinogen preparations in wound healing. In some, no healing is found. Further, there is no evidence to support that the fibrinogen composition Pines would inherently enhance fibroblast migration. To support an anticipation based on inherency, the U.S. Patent and Trademark Office ("PTO") must provide factual and technical grounds establishing that the inherent feature necessarily flows from the teaching of the prior art (See Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Int. 1990); See also In re Oelrich 666 F2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) (holding that inherency must flow as a necessary conclusion from the prior art, not simply a possible one)).

Likewise, for the reasons as shown in the above paragraph, Pines does not teach or suggest a composition wherein the lipid enhances fibroblast migration, as recited in

claims 9, 19 and 21. Pines only list fatty acids as one of a list of low molecular weight physiologically-compatible solutes which can be used when reconstituting lyophilized materials. There is no teaching or suggestion that the fatty acids enhance, or are capable of enhancing, fibroblast migration.

Further, Pines does not teach or suggest a composition wherein the lipids are from plasma, as recited in claim 18.

The rejection of claims 10-12 and 16-17 under 35 U.S.C. § 103 (a) for obviousness over Pines or U.S. Patent No. 6,117,425 to MacPhee ("MacPhee") in view of U.S. Patent No. 5,834,420 to Laub et al. ("Laub") is respectfully traversed.

Pines is discussed above.

MacPhee relates to a composition which includes a supplement, for example, a lipid, and fibrinogen. The composition of MacPhee, like the composition of Pines, is a glue, i.e. a tissue sealant, and does not teach or suggest a composition which includes fibrinogen which enhances fibroblast migration. In fact, as disclosed in MacPhee (see col. 9, lines 1-3) wound healing is only promoted by the use of a growth factor in addition to the tissue sealant.

Laub relates a high purity fibrinogen and the preparation thereof.

The combination of Pines, MacPhee and Laub does not teach or suggest the present invention. None of the references, not the cited combination, teach or suggest a composition which includes lipids and fibrinogen where the fibrinogen or the lipid or both enhance fibroblast migration as recited in claim 9 (and in dependent claim 20). Further, there is no disclosure in any of the references, nor in the cited combination, where the lipid is a plasma lipid as recited in claim 18. Lastly, there is no teaching or suggestion in the cited combination of a composition where the lipid enhances fibroblast migration, as recited in claims 9, 19 and 21.

In view of the foregoing, applicants believe that this application is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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